

18762. Adulteration of butter. U. S. v. 22 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.
(F. & D. No. 26761. I. S. No. 33946. S. No. 4848.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On June 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Henriette Creamery Co., Henriette, Minn., on June 3, 1931, and had been transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

The Henriette Creamery Co., Henriette, Minn., entered a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On July 10, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked and reprocessed so that it comply with the law, and that it should not be disposed of until examined and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18763. Adulteration and misbranding of butter. U. S. v. 54 Boxes of Butter. Product ordered released under bond to be reworked. (F. & D. No. 25053. I. S. No. 036860. S. No. 3243.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On June 19, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of fifty-four 32-pound boxes of butter, remaining in the original unbroken packages at South St. Paul, Minn., alleging that the article had been shipped by the Mayville Creamery Co., from Mayville, N. Dak., on June 3, 1930, and had been transported from the State of North Dakota into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Brookfield Pasteurized Creamery Butter, 1 Lb. Net Weight Distributed by Swift & Company * * * Chicago."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

It was further alleged in the libel that the article was adulterated (misbranded) in violation of section 8 of the act, paragraph 1, under food, in that it was offered for sale under the distinctive name of another article.

On June 30, 1930, Swift & Co., St. Paul, Minn., having appeared as claimant for the property and having consented to the entry of a decree of forfeiture and condemnation, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked under the supervision of this department and should not be sold or otherwise disposed of contrary to the Federal food and drugs act, and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18764. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.
(F. & D. No. 27117. I. S. No. 26086. S. No. 5091.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.